

herself did not say this]. “Petiwai lived on the block. Rihitoto may have built that house. Rangirumaki and her mother did not live in it. I do not know that they lived in a house put up by Rihitoto. I remember Rangirumaki marrying Haora. I was not there.” Witness went on to say that Haora asked consent of N’Taharua. The elders present were Rihitoto and Mere Raiha—others of N’Taharua present were young people whose names witness could not give. N’Taharua was a big tribe, but it is not a big tribe now.

No evidence was called by counsel for the successors (grandchildren) of Rihitoto Mataia, who died on 14th May, 1935, it being stated that there was now no one living capable of giving evidence of the facts at the time of the investigation. It was, however, stated, and from my judicial knowledge I believe correctly stated, that this block was Rihitoto’s home and remained in her occupation from before the investigation till her death. By her will she set apart an area to include the church and meeting-house, and devised it to her two eldest grandchildren as *joint tenants*.

The case for the successors rested upon the records of the Court.

With reference to paragraph 6 of the petition referring to the transfer of the block to W. G. Nicholls there is no mystery about the matter. The transfer was the subject of an inquiry by the Native Land Court as required by the Native Land Act, 1873, before any sale of land held under memorial of ownership could take effect, and the Court presided over by Judge Symonds declared that the transaction was *bona fide* and the sale complete, and made the order usual and necessary in such cases that the land be held in freehold tenure by William Grey Nicholls, of Paeroa, half-caste, as from the date of the order—namely, the 12th day of February, 1881. Certificate of title, Vol. 21, folio 244, under the Land Transfer Act issued in due course to Nicholls on 11th September, 1882. By transfer No. 14744, produced and entered on 5th July, 1893, Nicholls transferred the land to Rihitoto Mataia, who therefore became the owner as a purchaser and not by inheritance.

I have made an exhaustive investigation into all the circumstances and given most careful consideration to all aspects, and in my opinion petitioner has failed to show that she has any right or that there is any reason for reopening the title.

I therefore do not recommend any action.

Dated at Auckland, this 13th day of September, 1939.

[L.S.]

CHAS. E. MACCORMICK, Deputy Chief Judge.